

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

1998 WILLIAM GERSHEN REVOCABLE
TRUST; 1998 DEBRA GERSHEN REVOCABLE
TRUST; WILLIAM GERSHEN, individually and
in his capacity as the Trustee of the 1998 William
Gershen Revocable Trust and the 1998 Deborah
Gershen Revocable Trust; and DEBORAH
GERSHEN, individually and in her capacity as the
Trustee of the 1998 William Gershen Revocable
Trust and the 1998 Deborah Gershen Revocable

Adv. Pro. No. 10-05296 (SMB)

Trust,

Defendants.

NOTICE OF PRE-TRIAL CONFERENCE

PLEASE TAKE NOTICE that on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) (ECF No. 3141). Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this adversary proceeding on December 7, 2010 (Adv. Pro. No. 10-05296, ECF No. 1), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter;

PLEASE TAKE FURTHER NOTICE that on December 14, 2011, the 1998 William Gershen Revocable Trust, 1998 Debra Gershen Revocable Trust, William Gershen, individually and in his capacity as the Trustee of the 1998 William Gershen Revocable Trust and the 1998 Deborah Gershen Revocable Trust and Deborah Gershen, individually and in her capacity as the Trustee of the 1998 William Gershen Revocable Trust and the 1998 Deborah Gershen Revocable Trust the Robert Auerbach Revocable Trust (the “Defendants”), filed an Answer to Trustee’s Complaint (ECF No. 13) and pursuant to the Avoidance Procedures the Trustee and Defendants (the “Parties”) commenced discovery, which was completed on April 10, 2013;

PLEASE TAKE FURTHER NOTICE that pursuant to the Avoidance Procedures, on May 9, 2013, the Trustee filed a Notice of Mediation Referral (ECF No. 22), wherein the Parties jointly agreed to enter mediation and, on November 19, 2013, the mediation was completed without a settlement between the Parties;

PLEASE TAKE FURTHER NOTICE the mediator filed his final report on November 20, 2013 indicating that the mediation was unsuccessful (ECF No. 27);

PLEASE TAKE FURTHER NOTICE that pursuant to Section 7 of the Avoidance Procedures concerning scheduling a pretrial conference and trial, which provides that after all discovery has been completed and after the completion of mediation without a settlement, the parties to the Avoidance Action shall so inform the Court at the next scheduled Avoidance Actions Omnibus Hearing;

PLEASE TAKE FURTHER NOTICE that the pre-trial conference in the above-referenced adversary proceeding has been scheduled for **June 15, 2016, at 10:00 a.m.**;

PLEASE TAKE FURTHER NOTICE that the above-referenced hearing will be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge and all trial counsel are required to attend.

Dated: May 10, 2016
New York, New York

Of Counsel:

BAKER & HOSTETLER LLP
811 Main Street, Suite 1100
Houston, Texas 77002-5018
Telephone: 713.751.1600
Facsimile: 713.751.1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

BAKER & HOSTETLER LLP

/s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*